

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CHRISTINE D. HAUCK,

Plaintiff,

v.

PHILLIP D. WALKER, et al.,

Defendants.

CASE NO. C13-5729 BHS

ORDER DENYING MOTION TO
APPOINT COUNSEL

This matter comes before the Court on Plaintiff's motion to appoint counsel (Dkt. 4).

There is no right to have counsel appointed in cases brought under 42 U.S.C. § 1983. Although the court, under 28 U.S.C. § 1915(e), can request counsel to represent a party proceeding *in forma pauperis*, the Court may do so only in exceptional circumstances. *Rand v. Rowland*, 113 F.3d 1520, 1525 (9th Cir. 1997). A finding of exceptional circumstances requires an evaluation of both the likelihood of success on the merits and the ability of the plaintiff to articulate her claims pro se in light of the

1 complexity of the legal issues involved. *Wilborn v. Escalderon*, 789 F.2d 1328, 1331
2 (9th Cir. 1986).

3 In this case, Plaintiff has failed to show that exceptional circumstances exist. The
4 issues appear to be straight forward unlawful search and excessive force claims and,
5 based on her complaint, Plaintiff should be able to articulate her claims. If the
6 circumstances change or the Court finds that Plaintiff requires the assistance of counsel,
7 the Court may reconsider this decision. At this time, however, the Court finds that
8 Plaintiff does not require the assistance of counsel. Therefore, the Court **DENIES**
9 Plaintiff's motion.

10 Dated this 13th day of November, 2013.

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14 BENJAMIN H. SETTLE
15 United States District Judge
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